

Service Date: February 13, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of the Application)	UTILITY DIVISION
of the City of Great Falls, a)	
Municipality, for Authority to)	DOCKET NO. 90.10.66
Establish Increased Rates for)	
Sewer Service.)	ORDER NO. 5522d

ORDER SUSTAINING IN PART AND OVERRULING IN PART
THE OBJECTIONS OF THE CITY OF GREAT FALLS TO
THE DATA REQUESTS OF MONTANA REFINING COMPANY

On January 15, 1991, pursuant to the procedural order established for Docket No. 90.10.66, Montana Refining Company (MRC) timely submitted data requests to the City of Great Falls (City). The City filed objections to said data requests with the Commission on January 21, 1991. The Commission hereby makes the following rulings on said objections:

The Commission overrules the City's objection to MRC Data Request 1-01(b). The request is relevant as it applies to surcharges and billing. Further, since MRC is willing to limit its request to the top 25 accounts, the Commission finds the request reasonable.

The Commission overrules the City's objection to MRC Data Requests 1-02(a),(b) and (c). Said objection is based solely on the "grounds that a separate analysis has not been developed for MRC." This does not constitute a proper basis for objection.

In this regard, all parties should note that the Commission has adopted Rule 26 of the Montana Rules of Civil Procedure see Administrative Rules of Montana, 38.2.3301(1)5, which provides that parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.

The Commission sustains the City's objection to MRC Data Request 1-04(c). Since the City did not play a role in setting the 100 MG/L standard, this request is misplaced.

The Commission sustains the City's objection to MRC Data Requests 1-05(a),(b),(c) and (d), to the extent MRC is willing to accept the description of the size of pipelines and dates of construction for the sewage system. The Commission notes that it has no jurisdiction to enforce Section 13.20.520 of the Official Codes of the City of Great Falls. However, to the extent that the City has information compiled pursuant to Section 13.20.520, the Commission hereby orders the City to produce such information since it is relevant to this proceeding. If the City has failed to abide by its own rules, MRC will have to seek enforcement from an entity other than this Commission.

The Commission sustains the City's objection to MRC Data Request 1-06(b),(c) and (d), to the extent that MRC is willing to accept the workpapers from the Commercial/Industrial customer class.

Since MRC did not specifically object to MRC Data Requests 1-01(a), the Commission assumes the City's objection is accepted.

DONE AND DATED THIS 6th day of February, 1991 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)